

Amendment A, file 10/810, 201, Jean

REMARKS--General

Claim 3 having been canceled, no new drawings are necessary.

Amendments to the claims have been made to overcome Examiner's 112 rejections.

It should be noted that in the specification, in the "summary" section as well as the "brief description..." section under "fig. 2" the "anchor mode" is mentioned. Furthermore, on pages 4 and 5 of the "detailed description..", the expression "anchor mode" is used. In view of the figures and the description, there should be more than enough antecedent basis that defines and describes what is meant by "anchor mode" and therefore, Examiner's rejection of claim 2 for lack of antecedent in the use of the expression "anchor mode" is not considered valid.

Blum discloses a cane having a shovel used for scooping excrements and various litter on the ground. It is even shaped and oriented to act as a dust pan. Blum only offers a storage or transport configuration and a dust pan configuration which cannot be used effectively as a shovel because of its perpendicular orientation in relation to the cane, which acts as a handle. This orientation favors more an anchor mode but then, the straight edge of the pan does not favor anchoring. More importantly, Blum discloses lugs and frictional pressure as means to hold the scoop in either positions. These mechanisms would be totally inadequate as means for holding a shovel in both the shovel mode and the anchoring mode since by making the frictional pressure strong enough to act as an efficient anchor would also make it impossible for a user to move it to another position. Blum's reference cannot be held to be a mechanical equivalent to this instant application and could not perform the same function without unsuggested modifications. It is only through a major redesign that goes beyond the initial intent of the inventor that the cane could be used as an anchor or a digging shovel. Moreover, it is only through hindsight that Examiner could suggest that the attachment means

Amendment A, file 10/810, 201, Jean

of Blum could be modified so as to be able to also orient the pan into an orientation of a shovel mode as shown in fig. 1 of this instant application. Blum cannot use his dustpan as a digging shovel in the orientation that it is shown in and it cannot be used as an anchor either, it only has a "transport mode". Moreover, Blum discloses a rotation to change from one mode to the other while this instant application discloses separation of the shovel from the handle in order to pass from one mode to another as well as rotation such as from anchor mode to storage mode. The use of clips in this instant invention provides positive locking in any given mode which is far more reliable than the frictional means disclosed by Blum. Both inventions were created with different purposes in mind and both are so structurally different that they cannot be used interchangeably to perform each others duty. For example, this instant invention would be very impractical to act as a combination cane and litter collector since a presumably elderly user requiring a cane would have to temporarily lose the usage of his cane in order to remove the clips and change the orientation of the pan. The same goes with trying to have Blum with its frictional means trying to have enough frictional strength to maintain an anchor configuration while trying to pull an ATV out of a ditch with a hoist attached to the curved handle of a cane. Because of very dissimilar mechanical components and very different intended purposes, the Blum reference is considered to be weak and non applicable.

Duffy, which discloses a mechanized digging apparatus, has more in common with a backhoe than a shovel. There is no indication whatsoever that Duffy's apparatus can be used as an anchor. Fig. 2 of Duffy's patent, as pointed out by Examiner, does not describe what is shown in Fig. 4 of this instant application. Duffy explains how his shovel is moved. It is not by way of

Amendment A, file 10/810, 201, Jean

hydraulic pistons as is customary in most backhoes in use today but by way of a cable pulling on it. Parts 90, 88 and 80 (amongst others) of Duffy are not meant to be detached and planted in a remote location so that cable 124 can be used as a hoist cable to pull Duffy's apparatus out of a hole or ditch. That is not at all the purpose of his invention, it is used for digging holes, not throwing itself into holes and then using it's parts to get itself out of the hole it just dug. Applicant's invention is a multi purpose tool which can be used to dig around wheels of an ATV in the event that they are stuck in mud, it can be reoriented so as to become an anchor if the ATV is really stuck or has to go up a steep incline and the wheels lack traction and the help of a hoist is needed. The anchor shovel in this instant invention is not part of the ATV per se but rather a carry-on tool which has a storage mode to make it unobtrusive for transport on board an ATV. No matter how Examiner would try to modify Duffy, it could not come close to anything described in claim 2 as it can be construed from the specification. Duffy is also deemed to be to be a weak reference and as such, non applicable.

Claim 4 having been canceled, the Armstrong reference no longer applies.

Amendment A, file 10/810, 201, Jean

Applicant hopes that he has responded to the Office Action in an appropriate manner.

Requests For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define unobvious structure because it produces new and unexpected results. If for any reasons the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03(d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



Applicant pro se